

02-04-05

JFW

EXPRESS MAIL LABEL NO.: EV518894387US

PATENT

Attorney Docket No. 28690-705.302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pre Application

Inventors(s): Thomas M. Brennan et al.

Application No.: 10/602,998

Filed: June 23, 2003

Title: Method and Apparatus for Performing  
Large Numbers of Reactions Using Array  
Assembly

PATENT APPLICATION

Art Unit: 1645

Examiner: Unknown

Customer No.: 021971

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:
- ☒ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent applications (Serial Nos. 9/684,736 and 9/686,597 ), copies are not enclosed herewith.
- ☒ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- ☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows: [   ]
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 28690-705.302).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 2-2-05

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By: Maya Skudatch  
Maya Skudatch  
Reg. No. 52,505



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Substitute for form 1449/PTO</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/602,998
				Filing Date	June 23, 2003
				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
Sheet	1	of	27	Attorney Docket Number 28690-705.302	

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		4,683,202	07/28/87	Mullis	
		4,834,946	05/30/89	Levin	
		5,143,854	09/01/92	Pirrung, <i>et al.</i>	
		5,202,231	04/13/93	Dramanac, <i>et al.</i>	
		5,412,087	05/02/95	McGall, <i>et al.</i>	
		5,445,934	08/29/95	Fodor, <i>et al.</i>	
		5,445,943	08/29/95	Hoenes	
		5,474,796	12/12/95	Brennan	
		5,489,678	02/06/96	Fodor, <i>et al.</i>	
		5,492,806	02/20/96	Dramanac, <i>et al.</i>	
		5,525,464	06/11/96	Dramanac	
		5,545,568	08/13/96	Ellman	
		5,556,749	09/17/96	Mitsushashi, <i>et al.</i>	
		5,571,639	11/05/96	Hubbell, <i>et al.</i>	
		5,614,608	03/25/97	Krchnak, <i>et al.</i>	
		5,650,277	07/22/97	Navot, <i>et al.</i>	
		5,667,972	06/16/97	Dramanac, <i>et al.</i>	
		5,679,773	10/21/97	Holmes	
		5,691,141	11/25/97	Köster	

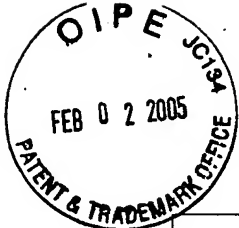
**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> - Number <sup>3</sup> - Kind Code <sup>3</sup> (if known)				
		EP 717113A2	06/19/96	Affymetrix, Inc.		
		WO 92/15712	09/17/92	Molecular Tools, Inc.		
		WO 93/09250	05/13/93	Adelaide Children's Hospital University of South Australia		
		WO 93/17126	09/02/93	The Public Health Research Institute of the City		

Examiner Signature		Date Considered	
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PTO/SB/08A (08-03)

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		Number-Kind Code <sup>2</sup> (if known)			
		5,695,940	12/09/97	Dramanac, <i>et al.</i>	
		5,700,637	12/23/97	Southern	
		5,700,642	12/23/97	Monoforte, <i>et al.</i>	
		5,710,028	01/20/98	Eyal, <i>et al.</i>	
		5,739,386	04/14/98	Holmes	
		5,744,305	04/28/98	Fodor, <i>et al.</i>	
		5,800,992	09/01/98	Fodor, <i>et al.</i>	
		5,830,655	11/03/98	Monoforte, <i>et al.</i>	
		5,837,832	11/17/98	Chee, <i>et al.</i>	
		5,846,943	12/08/98	Hindsgaul, <i>et al.</i>	
		5,858,653	01/12/99	Duran, <i>et al.</i>	
		5,858,659	01/12/99	Sapolsky, <i>et al.</i>	
		5,871,928	02/16/99	Fodor, <i>et al.</i>	
		5,888,819	03/30/99	Goelet, <i>et al.</i>	
		5,889,165	03/30/99	Fodor, <i>et al.</i>	
		5,917,016	06/29/99	Holmes	
		5,919,626	07/06/99	Shi, <i>et al.</i>	
		5,922,534	07/13/99	Lichtenwalter	
		5,927,547	07/27/99	Papen, <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 95/11995	05/04/95	Affymax Technologies N.V.		
		WO 97/28282	08/	Stratagene		
		WO 97/43447	11/20/97	Motorola		
		WO 97/45730	12/04/97	Biodx		
		WO 98/09735	03/12/98	International Business machine Corporation		

Examiner Signature		Date Considered	
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				Examiner Name	Unknown
Sheet	3	of	27	Attorney Docket Number	28690-705.302«CaseNumber»

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		Number-Kind Code <sup>2</sup> (if known)			
		5,929,208	07/27/99	Heller, <i>et al.</i>	
		5,972,619	10/26/99	Dramanac, <i>et al.</i>	
		5,985,551	11/16/99	Brennan	
		5,985,557	11/16/99	Prudent, <i>et al.</i>	
		5,985,761	11/16/99	Saprks, <i>et al.</i>	
		6,001,567	12/14/97	Brow, <i>et al.</i>	
		6,018,041	01/25/00	Dramanac, <i>et al.</i>	
		6,025,136	02/15/00	Drmanac	
		6,028,189	02/22/00	Blanchard	
		6,030,782	02/29/00	Anderson, <i>et al.</i>	
		6,040,138	03/21/00	Lockhart, <i>et al.</i>	
		6,043,031	03/28/00	Köster, <i>et al.</i>	
		6,054,270	04/25/00	Southern	
		6,074,823	06/13/00	Köster	
		6,083,763	07/04/00	Balch	
		6,090,995	07/18/00	Reich, <i>et al.</i>	
		6,103,479	08/15/00	Taylor	
		6,197,506	03/06/01	Fodor, <i>et al.</i>	
		6,210,894	04/03/01	Brennan	

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 99/21957	05/06/99	The University of North Carolina at Chapel Hill		
		WO 98/22487	05/28/98	Synsorb Biotech, Inc.		
		WO 98/28438	07/02/98	Diatech Pty. Ltd.		
		WO 98/30883	07/16/98	Sheldon, Edward L.		

Examiner Signature		Date Considered	
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		Number-Kind Code <sup>2</sup> (if known)			
		6,291,183	09/18/01	Pirrung, <i>et al.</i>	
		6,309,822	10/30/01	Fodor, <i>et al.</i>	
		6,309,823	10/30/01	Cronin, <i>et al.</i>	
		6,309,831	10/30/01	Goldberg, <i>et al.</i>	
		6,310,189	10/30/01	Fodor, <i>et al.</i>	

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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 98/38490	09/03/98	Biodx, Inc.		
		WO 98/38846	09/11/98	Affymetrix, Inc.		
		WO 98/41531	09/24/98	University of Washington		
		WO 98/46247	10/22/98	Wisconsin Alumni Research Foundations		
		WO 98/47003	10/22/98	United States of America		
		WO 98/50403	11/12/98	THIRD WAVE TECHNOLOGIES, INC.		
		WO 98/54362	12/03/98	The Perkin-Elmer Corporation		
		WO 98/56954	12/17/98	Affymetrix, Inc.		
		WO 99/05308	02/04/99	RAPIGENE, INC.		
		WO 99/06593	02/11/99	Sarnoff Corporation		
		WO 99/06834	02/11/99	IXSYS, Incorporated		
		WO 99/07888	02/18/99	Bulynk, Martha L.		
		WO 99/09073	02/25/99	Akazo Nobel N.V.		
		WO 98/21221	05/22/98	Synsorb Biotech, Inc		
		WO 94/11530	05/26/94	Trustees of Boston University		
		WO 93/17136	09/02/93	The Dow Chemical Company		
		WO 98/33586	08/06/98	Protogene Laboratories, Inc.		

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		WO 99/14228	03/25/99	Affymetrix, Inc		
		WO 99/27137	06/03/99	Orchid Biocomputer, Inc.		
		WO 99/37812	07/29/99	Orchid Biocomputer, Inc		
		WO 99/39004	08/05/99	The government of the United States of America, Secretray, Department of Health and Human Services		
		WO 99/47701	09/23/99	November AG Novus Medicatus Bertling Gesellschaft fur Molekulare Medizin		
		WO 99/54509	10/28/99	Affymetrix, Inc.		
		WO 99/58708	11/18/99	Rosetta Inpharmatics, Inc		
		WO 00/03246	01/20/00	Cellomics, Inc.		
		WO 00/17624	03/30/00	Cellomics, Inc.		
		WO 00/17643	03/30/00	Cellomics, Inc.		
		WO 00/50872	08/31/00	Cellomics, Inc.		

Examiner Signature		Date Considered	
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				Filing Date	June 23, 2003
				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
Sheet	6	of	27	Attorney Docket Number	28690-705.302

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		ABRAVAYA et al., Detection of point mutations with a modified ligase chain reaction, Nucleic Acids Res., 1995, pp 675-682, vol 23	
		ADINOLFI et al., Solid Phase Synthesis of Oligosaccharides, Tetrahedron Lett., 1996, pp 5007-5010, 37 (28)	
		ALBERICIO et al., Covergent Solid-Phase Peptide Synthesis, Methods Enzymol, 1997, pp 313-316, vol 289	
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		ATHERTON et al., Solid Phase Peptide Synthesis, A practical approach, IRL press, 1989,	
		AUSUBEL et. al., Current Protocols in Molecular Biology, John Wiley & Sons, 1989, vol. 1-2	
		BEIER et. al., Versatile Derivatisation of solid support media for covalent bonding on DNA-microchips, Nucleic Acids Res., 1999, pp 1970-1977, vol. 27 (9)	

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		BLIXT et. al., Solid-Phase Enzymatic Synthetic of a Sialy Lewis X Tetrassaccharide on a Sepharose Matrix, J. Org. Chem., 1998, pp.2705-2710, vol. 63	
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		BUHR et. al., Oligodeoxynucleotides containing C-7 propyne analogs of 7-deaza 2'-deoxyguanosine and 7-deaza-2'-deoxyadenosine, Nucleic Acids Res., 1996, pp 2974-2980, 24 (15)	
		BULYK et. al., Quantifying DNA-protein interactions by double-stranded DNA arrays, Nature Biotechnology, 1999, 573-577, 17	
		BURG et. al., Real-Time Fluorescence Detection of RNA Amplified by QB Replicase, Anal. Biochem., 1995, pp263-272, vol. 230	
		CANTOR and SCHIMMEL et. al., Part 1: The conformation of biological macromolecules, Biophysical Chemistry, San Francisco, W.H. Freeman, 1980	

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		DANISHEFSKY et. al., A Strategy for the Solid-Phase Synthetic of Oligosaccharides, Science, 1993, pp1307-1309, vol 260	
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		DE WILDT et. al., Antibody arrays for high-throughput screening of antibody-antigen interactions, Nature, 2000, pp 989, vol. 18	
		DRMANAC et. al., Sequencing of Megabase Plus DNA by Hybridization: Theory of the Method, Genomics, 1989, pp114-28, vol 4	
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		EISENBERG et al., Protein function in the post-genomic era, Nature, 2000, pp 823-826, vol. 405	
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		FRUCHTEL, Organic Chemistry and Solid Supports, Angew. Chem. Int. Ed. Engl., 1996, pp17-42, vol. 35	

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		GELFAND et. al., ASDB: database of alternatively spliced genes, Nucleic Acids Res., 1999, pp.301-302, vol. 27(1)	
		GERHOLD et al, DNA chips: promising toys have become powerful tools, TIBS, 1999, pp168-173, vol. 24	
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		HAMMER et al., Practical Approach to Solid-Phase Synthesis of C-terminal Peptide Amides under Mild Conditions Based on a Photolysable Anchoring Linkage, J. Peptide Protein Res., 1990, pp. 31-45, vol. 36	
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		HERMKENS et al., Solid-Phase Organic Reactions: A review of the Recent Literature, Tetrahedron, 1996, pp. 4527-4554, vol. 52	
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		HIGUCHI et al., Kinetic PCR Analysis: Real-time Monitoring of DNA Amplification Reaction, Bio/Technology, 1993, pp. 1026-1030, v	
		HOLMES et al., Reagents for Combinatorial Organic Synthesis: Development of a New o-Nitrobenzyl Photoabile Linker for Solid Phase Synthesis, J. of Org. Chem., 1995, pp.2318-2319, vol. 60	
		HOLMES et al., Model Studies for New o-Nitrobenzyl Photolabile Linkers: Substituent Effects on the Rates of Photochemical Cleavage, J. of Org. Chem., 1997, pp 2370-2380, vol. 62	
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Sheet	14	of	27	Attorney Docket Number	28690-705.302

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		LOCKHART, et al, Genomics, gene expression and NDA arrays, Nature, 2000, pp827-936, vol. 405	
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		MELDAL, et al., Synthetic methods for glycopeptide assembly, and biological analysis of glycopetide products, Curr. Opin. Chem. Biol, 1997, pp 552-563, vol. 1	
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		SCHENA et al., Microarrays: biotechnology's discovery platform for functional genomics, TIBTECH, 1998, pp. 301-306, vol. 16	
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				Application Number	10/602,998
				Filing Date	June 23, 2003
				First Named Inventor	Thomas M. Brennan
				Art Unit	1645
				Examiner Name	Unknown
Sheet	23	of	27	Attorney Docket Number	28690-705.302

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		SOKOLOV, Primer extension technique for the detection of single nucleotide in genomic DNA, Nucleic Acids Res., 1990, pp3671, vol. 18(12)	
		SOSNOWSKI et al., Rapid determination of singel base mismatch mutations in DAN hybrids by direct electric field control, Proc. Natl. Acad. Sci., 1997, pp1119-1123, vol. 94	
		SPIELBERG, et al, N-Acetyltransferases: Phannacogenetics and Clinical Consequences of Polymorphic Drug Metabolism, J. Pharmacokint. Bipharm, 1996, pp509-519, vol. 24(5)	
		STEWARD, Cleavage Methods Following Boc-Based Solid-Phase Peptide Synthesis, Methods in Enzymol, 1997, pp29-44, vol. 289	
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		THOMPSON, et al, Synthesis and Applications of Small Molecule Libraries, Chem. Rev., 1996, pp555-600, vol. 96	
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		VERMA and ECKSTEIN, MODIFIED OLIGONUCLEOTIDES: Synthesis and Strategy for Users, Annu. Rev. Biochem, 1998, pp99-134, vol. 67	
		WAGNER, et al, Antisense Gene inhibition by oligonucleotides containing C-5 propyne pyrimidines, Science, 1993, pp1510-1513, vol. 260	
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		WANG, D., et al, Large-Scale Identification, Mapping, and Genotyping of Single-Nucleotide Polymorphisms in the Human Genome, Science, 1998, 1077-1082, vol. 280	
		WETMUR, DNA Probes: Applicationis of the Principles of Nucleic Acid Hybridization, Critical Reviews in Biochemistry and Molecular Biology, 1991, pp227-259, vol. 26	

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		WIEDMANN, et al., Ligase Chain Reaction (LCR) - Overview and Applications, PCR Methods Appl, 1994, pp51-64, vol. 3	
		WHITE, High-Throughput Screening in Drug Metabolism and Pharmacokinetic Support of Drug Discovery, Annu. Rev. Pharmacol. Toxicol, 2000, pp133-157, vol. 40	
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		YOUNG, Biomedical Discovery with DNA Arrays, Cell, 2000, pp9-15, vol. 102	

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